

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 26710 of 2006(D)

AGAINST THE ORDER DATED 29 /03 /2006 IN IA. 5052 /2005 IN
OS.1886/2000 of I ADDL.M.C.,TRIVANDRUM
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PETITIONER:

KUNJI LALITHA,
MINI BHAVAN, VARUVILAKAM, MALAYAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.B.SATHIQ
SRI.C.ANIRUDHAN

RESPONDENTS:

B.VASUDEVAN NAIR,
KANIAVILAKATHU VEEDU,
CHUZHATTUKOTTAH, MALAYAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.ANANDAKUTTAN
SMT.M.HEMALATHA
SRI.R.S.MADHU
SRI.MAHESH ANANDAKUTTAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C)26710/06

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1; TRUE COPY OF THE PLAINT IN O.S.1886/2000 BEFORE THE 1ST ADDL.
MUSNIFF COURT, THIRUVANANTHAPURAM.
- EXT.P2: TRUE COPY OF THE WRITTEN STATEMENT DATED 5.2.05.
- EXT.P3: TRUE COPY OF THE I.A.5052/2005.
- EXT.P4: TRUE COPY OF THE ORDER IN I.A.5052/2005 DATED 29.3.2006.

/TRUE COPY/

PA TO JUDGE.

M.SASIDHARAN NAMBIAR, J.

W.P.(C)NO. 26710 OF 2006

DATED THIS THE 12th DAY OF DECEMBER, 2006

JUDGMENT

Petitioner is the plaintiff. Respondent is the defendant. Petitioner filed I.A.5052/05, an application to send the disputed sale deed to Forensic Science Laboratory. It was not disposed. Instead Ext.P4 order was passed holding that the question will be considered on the basis of evidence to be adduced. This petition is filed under Article 227 of Constitution of India for a direction to the Munsiff to dispose of the application.

2. Learned counsel appearing for petitioner and respondent were heard.

3. The case of petitioner in the plaint itself is that the sale deed is the result of forgery and it was not executed by the Petitioner. In such circumstances, the question whether the signature seen in the sale deed is that of petitioner is a relevant matter to be decided in the suit. It is for that purpose, petitioner filed I.A. 5052/05. Learned Munsiff is directed to pass appropriate order in I.A.5052/05 in accordance with law, before proceeding with the evidence.

M.SASIDHARAN NAMBIAR, JUDGE

Acd

